

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM C. DUFFELMEYER, MICHAEL
WALTHER, STEVEN HEISLER, JEFF NARDI,
STEPHEN M. CARPINIELLO, EDWARD ARCE,
RALPH TANCREDI, PETER T. DeVITTORIO,
MICHAEL MARINELLI, and ARTHUR
MARINELLI,

**Civil Action No. 07-2807
(WP4) (MDF)**

Plaintiffs,

AFFIDAVIT

- against -

LAWRENCE MARSHALL, individually, DAVID
HALL, individually, and the TOWN/VILLAGE OF
HARRISON, NEW YORK,

Defendants.

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STATE OF NEW YORK)

ss.

COUNTY OF WESTCHESTER)

DAVID HALL, being duly sworn, deposes and says:

1. I am and have been the Chief of Police for the Town/Village of Harrison Police Department ("Town") since 1997. I have been employed as a police officer by the Town for over 34 years. I am submitting this affidavit in support of the Defendants' motion to dismiss the complaint and/or for dismissal against me based on qualified immunity.

2. On Sunday April 1, 2007, I received a telephone call from Captain Anthony Marraccini informing me that a complaint had been filed by a number of Town police officers essentially accusing me of stealing PBA Funds. I was not in New York at that time as I had traveled to a police convention in Lexington, Kentucky. Because this complaint alleged criminal conduct, I was obviously upset about the situation as I knew I had done nothing wrong and that the charges were baseless. The same Plaintiffs presently have two lawsuits pending against me in

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this Court in *Devlin et al. v. Hall, Marraccini and the Town/Village of Harrison, New York*,
Index No. 07-0812 (WCC) and *Carpiniello et al. v Hall, Marraccini and the Town/Village of*
Harrison, New York, Index No. 07-1956 (WCC).

3. April 1, 2007 was the first time I had learned about the complaint and that an investigation was being conducted. I did not give anyone any order not to speak to anyone about the complaint while the investigation was pending, as I was not involved in the investigation at all. The order was given, upon information and belief, by Captain Anthony Marraccini several days before I even learned about the charges and investigation. Obviously, I could not be involved in an investigation that claimed I was engaged in criminal conduct.

4. It was my understanding that once the investigation was completed there were no Department restrictions on the right to discuss the allegations set forth in the complaint. Only when I learned that some of the individuals were now claiming (in their papers filed in this Court) that they were unsure if the alleged restrictions were in place did I issue an order specifically indicating that Captain Marraccini's initial directive was rescinded once the investigation was over. See Exhibit 1. I did this to make sure there was no confusion over this issue. There were no restrictions at all after the May 24, 2007 District Attorney Report was received and posted in the Department.

5. In light of the foregoing, the Defendants' motion to dismiss should be granted and/or the motion to dismiss me based on qualified immunity must be granted.

s/David Hall

David Hall

Sworn to before me this
23 day of July, 2007

s/Donna M. Pellicci

Notary Public

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2007, the foregoing document was filed with the Clerk of the Court and served in accordance with the Federal Rules of Civil Procedure, and/or the Southern District's Local Rules, and/or the Southern District's Rules on Electronic service upon the following parties and participants:

Jonathan Lovett, Esq.
Lovett & Gould, LLP
222 Bloomingdale Road
White Plains, New York 10605
Attorney for Plaintiffs

s/ Mark N. Reinharz
Mark N. Reinharz (6201)
Bond, Schoeneck & King, PLLC
Attorneys for Defendant James Holden
1399 Franklin Avenue, Suite 200
Garden City, New York 11530